

6



UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

6

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/229,589 01/13/99 YEGOSHIN

L P3356

024739 TM02/0725
CENTRAL COAST PATENT AGENCY
PO BOX 187
AROMAS CA 95004

EXAMINER

PHUNKUL H. B	
ART UNIT	PAPER NUMBER

2661
DATE MAILED:

07/25/01

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/229,589

Applicant(s)

YEGOSHIN, LEONID A

Examiner

Bob A. Phunkulh

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This communication is in response to applicant's 5/09/2001 amendment in the application of YEGOSHIN for "METHOD AND APPARATUS FOR CREATING AND DISTRIBUTING COST TELEPHONY-SWITCHING FUNCTIONALITY WITHIN AN IP NETWORK" filed 01/13/1999. The amendments to the claims have been entered. No claims have been canceled. No claims have been added. Claims 1-17 are now pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1, 3- 7, 9-15, and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Guy et al. (US 5,940,479).

Regarding claims 1, 3-5, 7, 9-11, 13-15, and 17, Guy et al. disclose a system and method for transmitting packet across a wide area network (WAN) from a local phone coupled to a computer e.g., PC-phone. The system comprises of:

- at least two PC-phones 103/105 and 143/145 (*Internet capable call appliances*) located in different location,
- a first router 114 coupled to the PC-phone 103/105,

- a second router 132 coupled to the PC-phone 143/145, and
- a WAN network (Internet or ATM or frame relay) for connecting between the two routers.

The calls setup between the call appliance 103/105 and the router 114 (*end node leg*), and the call setup between the router 114 and 132 through the Internet 104 (*intermediate legs*), the call setup between the router 132 and the called appliance 143/145 (*end node leg*) and are separate and distinct (**see figs. 1, 5; and col. 4 line 54 to col. 6 line 35**).

Regarding claims 6 and 12, Guy et al. disclose a LAN network 116, connecting end appliances at one or more the routers, and wherein end-node leg are established via LAN to appliances on the LAN (**see fig. 1**).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 8, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guy et al. in view of Andrews et al. (US 5,848,143).

Claims 2, 8, and 16, White et al. fail to disclose the call appliances include Interactive Voice Response (IVR) units. Andrew et al., on the other hand, teach IVR

Art Unit: 2661

units are included in agent systems of a communication system that provides telephony communication between agents and a plurality of callers (**see figs. 8-10**). Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to include the IVRs of Andrews et al., in the system taught by Guy et al. for improving requested information to the caller 24 hours a day without human assistant -thus enhancing customer service while reducing costs.

Response to Arguments

Applicant's arguments filed 5/09/2001 have been fully considered but they are not persuasive.

In page 6 lines 18-23, the applicant argued that [A]applicant respectfully points out to the Examiner that the call appliances and routers 103/145, and 143/145 do not communicate with each other. Each of said call appliances in the art of Guy place calls to destination telephones on the PSTN (col. 6 lines 36-37). Clearly, the call appliance under Guy is 142 (Col. 5 line 39). Nowhere in the text is it even implied that 143/145 is the destination.

In response to the argument, the Guy discloses in the case of voice transmission, an user places a telephone call using a personal computer (PC) (103) with telephony software and a telephone or a microphone/speaker interface. The computer generates telephony signals representing signaling information and aural data and transmits those signals across a local area network (LAN) and/or a WAN to a

gateway unit (145) of the present invention (see col. 3 lines 35-41; col. 1 line 47 to col. 2 lines 55; figs. 8A-8B; and claim 1).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

Art Unit: 2661

(703) 305-9051, (for formal communications; please mark "EXPEDITED
PROCEDURE")

Or:

(703) 308-5403 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal
Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to **Bob A. Phunkulh** whose telephone number is **(703)
308-8251**. The examiner can normally be reached on Monday-Friday from 7:00 A.M. to
3:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor **Douglas W. Oims**, can be reach on **(703) 305-4703**. The fax phone number
for this group is **(703) 872-9314**.

Any inquire of a general nature or relating to the status of this application should
be directed to the Group receptionist whose telephone number is **(703) 306-0377**.

Application/Control Number: 09/229,589

Page 7

Art Unit: 2661

Bob A. Phunkulh

Bob A. Phunkulh

July 23, 2001

T.C. 2600

Art Unit 2661

Ajit Patel
Ajit Patel
Primary Examiner